IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5747 of 2007()

CRIME NO. 241/07 OF KUMBALA POLICE STATION
CMP.4274/2007 of J.M.F.C.,KASARAGOD

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PETITIONER/ACCUSED

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1. M.MOIDEEN KUTTY, AGE 47/07,
S/O.T.PAKRUDEEN, BALANADUKAM (H),
THEKKIL VILLAGE, KANNUR.

2. SUNDARAN C.H., AGE 38/07,
S/O POKLAN, CHEMBEYIL COLONY,
ETANEER, PADY VILLAGE.

BY ADV. SRI.T.B.SHAJIMON

RESPONDENTS: COMPLAINANT

THE SUB INSPECTOR OF POLICE,
KUMBALA POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5747 of 2007

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Dated this the 24th day of September, 2007

O R D E R

Application for regular bail. The petitioners face allegations under the Explosive Substances Act. They were allegedly found to be in possession of 8 kgs. of gun powder, two gelatin sticks etc. They were taken into custody on 11.9.2007 and they remain in custody from that date. The learned counsel for the petitioners submits that even if the allegations were accepted in toto, the petitioners had kept the gun powder for the innocuous purpose of using the same for blasting rocks. The petitioners even allegedly do not have any connection with terrorist activity. They remain in custody from 11.9.2007 and their continued detention is unnecessary. They may be enlarged on bail now, prays the learned counsel.

2. The learned Prosecutor does not oppose the application. Appropriate conditions may be issued, submits the learned Prosecutor.

3. In the circumstances referred above, I am satisfied that the petitioners can now be enlarged on bail subject to appropriate terms

and conditions.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays and Fridays for a period of one month from the date of their release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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